

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**WENDY EISERMANN, As Mother and natural
guardian of J.S., and WENDY
EISERMANN, individually,**


Plaintiffs,

-against-

**DAVID WALKER, M.D., THE DUTCHESS MEDICAL
PRACTICE, P.C., ROBERT DWECK, M.D., and
HUDSON RIVER HEALTHCARE CENTERS,**

Defendants.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED:  7/1/08

08 Civ. 3374 (DLC)

**NOTICE OF
WITHDRAWAL**

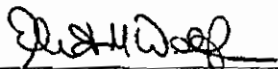
On or about December 20, 2007, plaintiffs herein, filed a Summons and Complaint in the Supreme Court of the State of New York, Dutchess County, Index No. 8634/2007, against the above defendants alleging, *inter alia*, that they committed medical malpractice in providing medical care to the infant plaintiff J.S.

On or about April 4, 2008, Michael J. Garcia, United States Attorney for the Southern District of New York, removed plaintiffs' complaint to this Court pursuant to section 224(c) of the Public Health Service Act, 42 U.S.C. § 233(c), and 28 U.S.C. § 2679(d)(2).

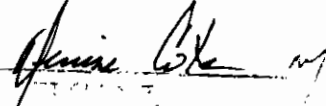
This Court ordered on or about April 22, 2008 that the United States shall be substituted in place of all the defendants herein other than The Dutchess Medical Practice, P.C., that the case against all other defendants was dismissed with prejudice, and that the case against the United States was dismissed without prejudice because plaintiff had not filed an administrative claim to the appropriate federal agency as required under 28 U.S.C. § 2675(a).

Plaintiffs, by their attorneys, hereby withdraw, without prejudice, their claim against the sole remaining defendant, The Dutchess Medical Practice, P.C., and respectfully request that the above entitled action be discontinued without costs to be borne by either party.

Dated: Bronx, New York
June 30, 2008


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TO COURT


July 1, 2008